

5. We have been informed that the effective date of A'Hearn as an alleged prior art reference is December 16, 1999.

6. We have read and understood A'Hearn.

7. To establish the date of conception of our invention prior to December 16, 1999, we provide evidence in the form of an internal memorandum (Exhibit B) detailing aspects of the Soft Ride System ("the SRS system) with Hose Burst Control Valve (HBCV), which were the internal names for the systems combined in the invention disclosed and claimed in the U.S. Application. The memorandum describes certain aspects relating to the structure and operation of the SRS system and the HBCV system. The date has been redacted from Exhibit B. The memorandum was prepared in a WTO country, where our invention was also conceived, prior to December 16, 1999.

8. To further establish the date of conception of our invention prior to December 16, 1999, we provide evidence in the form of another internal memorandum (Exhibit C), entitled "Engineering Team - Key Issues (On-Going), which includes Item Number 14 relating to "Review SRS/120hp/5 speed/var. flow introduction . . ". The memorandum also includes item 15 which relates to the SRS and states "Demo. Smart forks, side shift, and SRS to JP." The date has been redacted, as have other items not related to the conception, reduction to practice, and/or development of the SRS system or components thereof. The memorandum was prepared in a WTO country, where the invention was also conceived, prior to December 16, 1999.

9. To establish reduction to practice of the invention prior to December 16, 1999, we provide evidence in the form of six (6) Work Area Orders (Exhibit D-1 through D-6) detailing still further aspects of the SRS system, including the development, testing, etc. of certain components and/or the entire system. Exhibits D-5 and D-6, in particular, indicate that the SRS system was constructed and tested for one week. The results of this test showed

that the SRS system, as outlined in the description and claims of this application, actually existed and worked for its intended purpose prior to December 16, 1999 in a WTO country. The dates have been redacted from Exhibits D-1 through D-6. The Work Area Orders were prepared in a WTO country prior to December 16, 1999.

10. To further establish the reduction to practice of our invention prior to December 16, 1999, we provide evidence in the form of an Engineering Drawing No. 042/E30018 entitled "Boom Suspension" (Exhibit E) which shows aspects of the hydraulic ride improvement circuit, and includes a written/graphical description of one embodiment of a hydraulic circuit for a loader arm machine in which the hydraulic circuit includes a ride improvement system that remains operable while the loader arm is raised or lowered. The date has been redacted from Exhibit E. The drawing was prepared in a WTO country, where our invention was also conceived, prior to December 16, 1999.

11. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the application or patent issued thereon.

1/13/05
Date

David Allen Cook
David Cook

1/14/05
Date

Beggs John Samuel Lovell
Ben Covell



D Cook

To

Internal

From

B Covell

Date

Operation of SRS with HBCV.

Comments to be viewed in conjunction with drawing 042/E30018.

When SRS is activated, valve A and B energise to allow flow to both the accumulator (E) on the annulus side of the cylinder (G) and dump to tank (F).

With SRS de-activated, both valves A and B are de-energised so system works as normal.

When SRS is activated, lift operates as normal, lower requires rise in pressure on the rod side of the cylinder to overcome HBCV (C).

When lever in cab is positioned to lower, switch D senses position (i.e. lower), de-activating SRS system allowing pressure to rise on rod side of cylinder to open HBCV (C). Upon release of the lever from the lower position, SRS system is automatically re-engaged.

To conform to EN 1459 section 5.5.2.1 and 5.5.3.1, the accumulator (E), solenoid valves (A) and HBCV (C) are in steel and mounted directly on the cylinder.

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EXHIBIT



To C Nicklin
D A Cook
K Ford
S J Langford

J D Jones
M S Kelsall
C Chell

cc: M Kelsall

Internal
From T Burnhope
Date

EXHIBIT

ENGINEERING TEAM - KEY ISSUES (ON-GOING)ACTION

1. [REDACTED] SN
2. [REDACTED] SJL
3. [REDACTED] DAC
4. [REDACTED] CN/KF
5. [REDACTED] JDJ
6. [REDACTED] CN
7. [REDACTED] DC/TB/MK
8. [REDACTED] SL/KF/TB
9. [REDACTED] TB
10. [REDACTED] KF
11. [REDACTED] TB/MK
12. [REDACTED] DJ/TB
13. [REDACTED] DJ/TB
14. Review SRS/120hp/5 speed/var. flow introduction (what show could we market them at?)
DK/FRED - Transable. *Test Plan?* DC/TB
15. Demo. Smart Forks, side shift and SRS to JP. TB/KF
16. [REDACTED] DJ/CN
17. [REDACTED] MK/TB
18. [REDACTED] TB
19. [REDACTED] DJ/DC
20. [REDACTED] SL
21. [REDACTED] TB
22. [REDACTED] KF//CN/DC/TB
23. [REDACTED] KF/RK
KF

24. ~~Subject of this project is the design of a new engine~~
(4000). DJ/TB
25. ~~Design of a new engine for the purpose of the project~~ SL/GP
26. ~~Design of a new engine for the purpose of the project~~ SL
27. ~~Design of a new engine for the purpose of the project~~
ITC. TB
28. ~~New engine design for the purpose of the project~~ DC
29. ~~Design of a new engine for the purpose of the project~~ CN/TB
30. ~~Design of a new engine for the purpose of the project~~ DC
31. ~~Design of a new engine for the purpose of the project~~ DC/CC
32. ~~Design of a new engine for the purpose of the project~~ SL/TB/Mark K

J. g Burne

T Burnhope
Engineering Manager
Loadall Division

tb/ac/054

RCENQR

RESEARCH CONTROL - DETAIL ENQUIRY

Page 001

EI/J Number 83342.739

AJ Number

Project 500 P42

Originator R. WATERFALL

Date Received

Target Date

Description PLEASE COULD YOU FIT ANOTHER ACCUMULATOR TO THE
SRS SYSTEM ON T72.

Work Area ASSY Order
Description AS ABOVE.

Picklist

Location

Target Date

PFK3 Terminate, PFK4 Print,

PFK8 amend detail, PFK9 amend header

EXHIBIT

D-1

EI/J Number 84142.121
Originator B COVELL
Description SRS SYSTEM

AJ Number Project 500
Date Received Target Date

Work Area TEST Order Picklist Location Target Date
Description PLEASE PROVIDE SOMAT 2100 WITH FOUR ANALOGUE
SLICES FOR TESTING.

PFK3 Terminate, PFK4 Print,

PFK8 amend detail, PFK9 amend header

EXHIBIT

EI/J Number 84142.129
Originator B COVELL
Description SRS BRACKET

AJ Number Project 500
Date Received Target Date

Work Area FAB Order Picklist Location Target Date
Description PLEASE MANUFACTURER 2 OFF PLATES FROM 4MM PLATE TO
PATTERN ON SHEET ATTACHED.

PFK3 Terminate, PFK4 Print,

PFK8 amend detail, PFK9 amend header

EXHIBIT

EI/J Number 84142.134 AJ Number Project 500
Originator B Covell Date Received [REDACTED] Target Date [REDACTED]
Description 540-70 T72 SRS machine

Work Area FAB Order Picklist Location Target Date [REDACTED]
Description Please fit cylinder to machine and check clearance
at full boom rotation and lower.
If cylinder is ok, please remove and paint
(yellow).
Re-fit cylinder to m/c along with pressure switch
in cab.
If there are any problems please contact me.

PFK3 Terminate, PFK4 Print,

PFK8 amend detail, PFK9 amend header

EXHIBIT

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RESEARCH CONTROL - DETAIL ENQUIRY

Page 001

EI/J Number 84142.137

AJ Number

Project 500

Originator B Covell

Date Received

Target Date

Description SRS system on 540-70 for trial.

Work Area TEST Order

Picklist

Location

Target Date

Description Please run m/c for one week to trial SRS system.

As many drivers as possible would be preferable.

The m/c is also fitted with a prototype airseat,
please comment on this as well.

PFK3 Terminate, PFK4 Print,

PFK8 amend detail, PFK9 amend header

EXHIBIT

RCENQR

RESEARCH CONTROL - DETAIL ENQUIRY

Page 001

EI/J Number 84142.139

AJ Number

Project 500

Originator B Covell

Date Received

Target Date

Description T72 540-70 SRS M/C

Work Area FAB Order

Picklist

Location

Target Date

Description Please remove SRS system from m/c ready to fit to
120hp m/c.This will only require the removal of the lift
ram, which can be replaced with the original.

PFK3 Terminate, PFK4 Print,

PFK8 amend detail, PFK9 amend header

EXHIBIT

10-5

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